George v. *Glasgow Coal Co.*, [1909] A. C. 123, 129. But if it means negligence from the point of view of the state, the breach of a statute would, by the best authority, be conclusive. See E. R. Thayer, "Private Wrong and Public Action," 27 HARV. L. REV. 317, 321–26. However, in either event, the subjective element of conscious wrong required by the word "wilful" is not necessarily present in every violation of a statute. See TERRY, ANGLO-AMERICAN LAW, §§ 216–17. See *contra*, *Dobson* v. *The United Collieries*, 43 Scot. L. R. 260, 264. For the fiction that everyone always knows the law is of no aid in a search for a subjective reality. But if the workman was aware of the statute and deliberately broke it without sufficient excuse from his employer, his act would necessarily be both "wilful" and "misconduct." *Cf. Great Western Power Co.* v. *Pillsbury*, 149 Pac. 35 (Cal.) In the principal case, as such appear to have been the facts, the decision, under the California law, would seem to be correct. But the problem is further complicated by a question of degree in the various jurisdictions which limit the exception to "serious" as well as "wilful misconduct." *Nickerson's Case*, 218 Mass. 158, 105 N. E. 604; *Casey* v. *Humphries*, 6 B. W. C. C. 520; *Mitchell* v. *Whitton*, 44 Scot. L. R. 955; *Johnson* v. *Marshall, etc. Co.*, [1906] A. C. 409.

POLICE POWER — INTERESTS OF PUBLIC TASTE — BILLBOARD AND BUILDING REGULATIONS. — A statute empowered the Collector of Internal Revenue to remove "any sign, sign board or billboard, displayed or exposed to public view which is offensive to the sight or otherwise a nuisance." PHIL. ACT No. 2339, § 100, subsection 5. A bill was brought to enjoin the enforcement of this statute. *Held*, that it is constitutional. *Churchill* v. *Rafferty*, 14 Phil. Gaz. 383 (Phil. Sup. Ct.).

An ordinance was passed forbidding the erection of unsightly extensions on residence streets without a permit. The plaintiff was refused a permit, and sues to have the decision reviewed. *Held*, that the ordinance is unconstitutional. *Lavery* v. *Board of Commissioners*, 96 Atl. 292 (N. J. Sup. Ct.).

For a discussion of these cases, see NOTES, p. 860.

PROCESS — VALIDITY AND AMENDMENT — MISDIRECTION. — The defendant was properly served by the sheriff of his own county with process directed to the sheriff of another county. *Held*, that the process is voided by the misdirection and cannot be amended so as to validate the judgment obtained on it. *Caldwell* v. *Alexander Seed Co.*, 87 S. E. 843 (Ga. App.).

Some jurisdictions which hold that a defective direction invalidates process, have refused to allow any later amendment of the process return on the theory that since the original process is wholly void there is nothing to amend. *Anthony* v. *Beebe*, 7 Ark. 447; *cf. Strauss Brothers* v. *Owens*, 6 Ga. App. 415, 65 S. E. 161. This reasoning, however, would apply with equal force to defective pleadings which, it is generally conceded, may be amended, unless the amendments would change the cause of action or the defense to the substantial injury of the party opposing it. See PHILLIPS, CODE PLEADING, §§ 312, 313. Now the substantial requirements of process are formal notice of the action to the defendant, by the proper authorities and in due time. Any other elements to a process must be purely matters of form. As such, therefore, they should clearly be open to amendment, and the majority of courts have so held. *Parker* v. *Barker*, 43 N. H. 35; *Chadwick & Co.* v. *Divol*, 12 Vt. 499. See *Mitchell* v. *Long*, 74 Ga. 94, 97; *cf.* 5 PARKS, GA. CODE (1914), § 5709. One court has even decided that there need be no amendment; a process though improperly directed to a sheriff was held valid and binding when served by a constable, or any officer to whom it might properly have been directed. *Hagan* v. *Stuart*, 4 Ky. L. Rep. 834.